

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MARGARET LITTMAN, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
LABOR, et al.,

Defendants.

No. 3:24-cv-194

Judge Waverly D. Crenshaw, Jr.

Magistrate Judge Barbara D. Holmes

SECOND JOINT CASE RESOLUTION STATUS REPORT

The parties respectfully submit the following status report to apprise the Court of their efforts to reach a settlement in this case. In its Scheduling Order, the Court directed the parties to make “two independent, substantive attempts to resolve this case,” and to report back to the Court after each attempt. *See* Scheduling Order at 2, ECF No. 23 (Mar. 27, 2024). Pursuant to the Court’s Scheduling Order, the parties discussed the possibility of settlement by email and by telephone the weeks of April 8 and 15. Plaintiffs made a formal settlement demand that Defendants withdraw the 2024 Rule, and that, in exchange, Plaintiffs would not seek attorneys’ fees or costs. Defendants responded that the Department is not in a position to withdraw the 2024 Rule.

The parties further discussed and considered settlement possibilities by email and telephone the week of May 27. Defendants are still not in a position to withdraw the 2024 Rule, and the parties continue to be unable to identify any possible resolution of this case. The parties further submit that settlement is unlikely in this case, given that it involves an Administrative Procedure Act challenge to a final agency rule. However, the parties will of course discuss

settlement throughout the pendency of this case to see if they are able to identify a possible resolution.

Dated: May 31, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2024, a copy of the parties' Second Joint Case Resolution Status Report was filed electronically via the Court's ECF system. Copies were sent to the following counsel of record by operation of the Court's electronic filing system:

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